

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY LITIGATION

No. 2:12-md-02323-AB
MDL No. 2323

Kevin Turner and Shawn Wooden, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

National Football League and NFL Properties, LLC,
successor-in-interest to NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:

Howard and Associates, P.A.

v.

SPID 100014059 (J.S.)
Attorney Lien Dispute No. 01596

AMENDED ORDER

AND NOW, this 8th day of September, 2022, upon consideration of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (ECF No. 11193), the objection thereto (ECF No. 11209), the response thereto (ECF No. 11214), the Supplemental Report and Recommendation of Judge Strawbridge (ECF No. 11565), and the objection thereto (ECF No. 11576), it is **ORDERED** that the Order entered on September 1, 2022 (ECF No. 11824) is **AMENDED AS FOLLOWS**:

1. The Report and Recommendation is **ADOPTED** except as provided below as to release of the Howard funds;

2. The Objections filed by Shenaq P.C. on behalf of the Settlement Class Member (ECF No. 11600) are **OVERRULED**;
3. The Objection filed by Goldberg, Persky & White, P.C. (ECF No. 11576) is **SUSTAINED**; and
4. The Claims Administrator is **ORDERED** to disburse the withheld funds for attorney's fees and costs in accordance with the provisions of the Settlement Agreement, all Court Orders regarding implementation, and in the following manner:
 - a. Shenaq shall receive 10% of Player's Monetary Award as attorney's fees;
 - b. A 10% portion of Player's Monetary Award is designated as attorney's fees for Howard's work and shall be payable to Goldberg, Persky & White, P.C. on behalf of the Assignee of Howard & Associates;¹
 - c. Player shall receive a refund representing funds withheld for attorney's fees but not approved for Shenaq and Howard;
 - d. The 5% holdback funds shall be attributed to Shenaq, Howard and

¹ As Judge Strawbridge described in his Supplemental Report, on June 30, 2021, Howard commenced an action in the Circuit Court of the Second Judicial Circuit (Leon County, Florida) seeking an "Assignment for the Benefit of Creditors" as permitted in Chapter 727 of the Florida Statutes. The designated Assignee, Larry Hyman, subsequently moved for an order authorizing the transition and assignment of the Assignment Estate's interests in the NFL Concussion Litigation to Goldberg, Persky & White, P.C., a firm with experience in these matters. Judge Strawbridge was aware that, following a hearing held on October 7, 2021, the Leon County Assignment Court granted the motion and approved the transition of Howard's NFL Concussion Litigation cases to Goldberg. At the time he filed his Supplemental Report, however, it was not clear whether Goldberg was authorized to litigate or resolve lien disputes on behalf of the Assignment Estate. Accordingly, he recommended holding in escrow any attorney fee award or cost reimbursement for Howard until that question was clarified.

The Court has been made aware that the Assignee appeared before the state court on April 7, 2022 and sought approval for the expansion of the role of Goldberg to pursue charging liens in this MDL on behalf of the Assignment estate. The Court has been provided with a copy of the May 1, 2022 Order of the Circuit Court of the Thirteenth Judicial Circuit (Hillsborough County, Florida) granting that motion and explicitly expanding the representation by Goldberg "to include representation of the Assignee in the pursuit of fees and costs owed to the Assignment estate under charging liens in the NFL Concussion Litigation." (Order, *In re: Howard & Associates, Attorneys at Law, P.A.*, Case No. 2021-CA-9064, Div. L (May 1, 2022).) Therefore, we no longer find it necessary for the Howard funds to be held in escrow.

Player in accordance with the allocations indicated above and released in accordance with future orders of the Court;

e. The sum of \$10,664.56 withheld from Player's award for reimbursement of costs is approved for Howard and shall be payable to Goldberg, Persky & White, P.C. on behalf of the Assignee of Howard & Associates; and

f. Player shall receive a refund representing funds withheld for costs but not approved for Howard.

BY THE COURT:

s/ANITA B. BRODY, J.
ANITA B. BRODY, J.